HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL NO. 771 OF 2006

BETWEEN

Duvvuru Ram Prasad Reddy

.....

Appellant

And

The District Collector, Nellore & others

.....Respondents

Counsel for the Appellant : Shri M.P. Chandramouli

Counsel for the Respondent s for : Government Pleader

Revenue

Date: 20.07.2006

::JUDGMENT::

Per G.S. SINGHVI, CJ

This is an appeal for setting aside order dated 7-7-2006 whereby the learned Single Judge dismissed the writ petition filed by the appellant for quashing order dated 24.06.2006 passed by Mandal Revenue Officer, Vakadu (for short 'Mandal Revenue Officer') requiring the appellant to stop aquaculture in his patta land and obtain prior permission from the competent authority.

Shri M.P. Chandramouli, learned counsel for the appellant says that in view of the judgment of the Division Bench in **Madiraju Padma Rambabu v. District Forest Officer, Kakinada**[1], he cannot contest the legal position that his client could not have undertaken prawn culture without obtaining prior permission, but submitted that the Court may grant him permission to lift the produce of the seeds already sown because his client was not aware of the requirement of obtaining prior permission as laid down by the High Court. He further submitted that if the appellant had been given notice, he would have taken steps to obtain permission from the competent authority for undertaking aquaculture operation in the agricultural field, but on account of non-issuance of notice, he has been put to irreparable injury. In reply to the Court's query, Shri Chandramouli stated that his client will not undertake prawn culture/fish culture/aqua culture operation after 31-8-2006.

In our opinion, the request made by the learned counsel appears genuine, reasonable and merits acceptance. Hence, without disturbing the order under challenge, we direct the Mandal Revenue Officer concerned to allow the appellant to harvest/lift the produce of seeds till 31-8-2006. This would be subject to the

condition that within seven days from today, the appellant files a written undertaking before the Mandal Revenue Officer concerned that he will not undertake prawn culture/fish culture/aqua culture in his field after 31-8-2006.

The appeal is disposed of in the manner indicated above. If the appellant is found to have violated the undertaking given before the Mandal Revenue Officer, then the same would be construed as a breach of undertaking given before this Court. In that event the Mandal Revenue Officer and other functionaries of the State shall necessarily initiate proceedings against him under the Contempt of Courts Act, 1971.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

20.07.2006
svs/ksld

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[1] 2002(1) ALD 728 (D.B.)